APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,866	01/15/2002	Michael K. Schumacher	84,355-003	5118

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EXAMINER
ORTIZ, BELIX M

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/047,866	SCHUMACHER, MICHAEL K.
	Examiner	Art Unit	
	Belix M. Ortiz	2164	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _5-August-2004_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-30_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) _2,3,11-18,27 and 29_ is/are allowed.
6) ☒ Claim(s) _1, 4, 8-10, 19-26, 28, 30_ is/are rejected.
7) ☒ Claim(s) _5-7_ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications files on August 5, 2004, the specification of

    the disclosure, claims 2, 8, 11, 19 and 27 are amended per applicant's

    request. Therefore, claims 1-30 are presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

    that form the basis for the rejections under this section made in this Office

    action:

    A person shall be entitled to a patent unless –

    (e) the invention was described in (1) an application for patent, published under section 122(b), by
    another filed in the United States before the invention by the applicant for patent or (2) a patent
    granted on an application for patent by another filed in the United States before the invention by the
    applicant for patent, except that an international application filed under the treaty defined in section
    351(a) shall have the effects for purposes of this subsection of an application filed in the United States
    only if the international application designated the United States and was published under Article 21(2)
    of such treaty in the English language.

3. Claims 1, 4, 8-10, 19-21, 23, 28, and 30 are rejected under 35 U.S.C. 102(e)

    as being unpatentable over <u>Wheeler et al</u>. (U.S. pub. 2002/0055932).

    As to claim 1, <u>Wheeler et al</u>. teaches a method of managing information

    for a plurality of computers in a distributed network (see paragraphs 2-4, 37 and

    95) comprising the steps of:

(A)   collecting original data related to each computer and storing the

original data in a respective database (see page 3, paragraph 21);

(B)   generating an index table including index data for each computer

wherein the index data is configured (i) to identify at least a portion of the

contents of the original data stored in the database, and (ii) to facilitate access to

the databases over the distributed network (see page 2, paragraph 18 and page

3, paragraph 21);

(C)   scanning at least one of the index tables to select databases that

match a user query (see page 3, paragraph 20; page 4, paragraph 37; and page

6, paragraph 59);

(D)   accessing the selected databases to retrieve original data and

generate an output therefrom (see paragraphs 21 and 37).

As to claim 4, <u>Wheeler et al</u>. teaches the method further comprising the

step of:

producing a summarized data table for the computers (see page 4,

paragraph 39).

As to claim 8, <u>Wheeler et al</u>. teaches an apparatus for managing

information for computers in a distributed network (see paragraph 2-4, 37, and

95) comprising:

a collection agent associated with each of a plurality of computers

configured to acquire and store original data in a respective storage databases

(see page 3, paragraph 21);

at least one condensing agent for condensing paid original data into

index data, the index data configured (i) to identify at least a portion of the

contents of the original data, and (ii) to facilitate access to the storage databases

over the distributed network (see page 2, paragraph 18 and page 3, paragraph

21);

a base database including the index data (see page 4, paragraph 38 and

page 11, claim 22);

a console module configured to select storage databases for access

thereto responsive to a user query for the contents, the console being further

operative to use the index data to access the selected storage databases,

retrieve original data, and generate an output (see page 3, paragraphs 20 and

21; page 4, paragraph 37; and page 6, paragraph 59).

As to claim 9, Wheeler et al. teaches wherein the plurality of computers

are arranged in a logical tree style hierarchy wherein the console module is

configured to execute on a head end of the hierarchy, a remainder of the

computers populating a subtree of the hierarchy at a plurality of levels (see page

5, paragraph 47; page 8, paragraph 74; and page 9, paragraph 85).

As to claim 10, <u>Wheeler et al</u>. teaches wherein the original data in the

storage databases comprises information relating to at least one of systems,

disks, networks, application programs, and users associated with a respective

one of the plurality of computers (see page 10, paragraphs 95 and 96).

As to claim 19, <u>Wheeler et al</u>. teaches an apparatus for managing

information for computers in a distributed network (see paragraphs 2-4, 37, and

95) comprising:

a first database configured to store original data related to a first

computer (see page 3, paragraph 21);

a condensing agent coupled to the first database and configured to

generate summarized data based on the original data (see page 5, paragraph

47);

a base database having a first portion configured to store the

summarized data and a second portion configured to store index data comprising

at connection information of the first database (see page 5, paragraph 49); and

a console module coupled to the base database and configured for

operation in (i) a first mode to generate a first output based on the summarized

data and (ii) a second mode wherein the console module uses the connection

information in the index data to facilitate access to the first database to generate

a second output (see page 3, paragraphs 20 and 21; page 4, paragraph 37; and

page 6, paragraph 59).

As to claim 20, <u>Wheeler et al</u>. teaches The apparatus of claim 19 further comprising a data collection agent for acquiring and storing the original data in the first database (see page 3, paragraph 21).

As to claim 21, <u>Wheeler et al</u>. teaches wherein the first database is local to the first computer (see page 8, paragraph 74).

As to claim 23, <u>Wheeler et al</u>. teaches wherein the data collection agent is configured to acquire the original data relating to at least one of a system, a disk, a network interface, an application program and a user associated with the first computer (see page 10, paragraph 95).

As to claim 28, <u>Wheeler et al</u>. teaches wherein a plurality of application programs are executed on the first computer by a user, the application table comprising a corresponding plurality of records, one for each application program and system combination, each record having; summarized data comprising statistical information regarding such use of the application programs (see page 10, paragraph 95).

As to claim 30, <u>Wheeler et al</u>. teaches The apparatus of claim 24 further including a plurality of computers arranged in a tree style hierarchy, wherein application tables included in databases associated with each computer in the

hierarchy are condensed and transmitted, level-by-level, to databases upstream

in the hierarchy (see figure 2; page 4, paragraph 25; and page 5, paragraph 47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Wheeler et al. (U.S. pub. 2002/0055932) in view of Hobbs (U.S. patent

5,987,454).

As to claim 22, Wheeler et al. does not teach wherein the first database is

remote from the first computer, the first database comprising a portion of a

client-server database.

Hobbs teaches method and apparatus for selectively augmenting retrieved

text information from the network (see abstract), in which he teaches wherein the

first database is remote from the first computer, the first database comprising a

portion of a client-server database (see column 1, lines 12-31).

Therefore, it would have been obvious to a person having ordinary

skill in the art at the time the invention was made to have modified <u>Wheeler et al.</u>,

to include wherein the first database is remote from the first computer, the first

database comprising a portion of a client-server database.

It would have been obvious to a person having ordinary skill in the

art at the time the invention was made to have modified <u>Wheeler et al.</u>

by the teaching of <u>Hobbs,</u> because wherein the first database is remote from the

first computer, the first database comprising a portion of a client-server database,

would enable the apparatus to retrieve, wherein optimum record is retrieved from

a database (see <u>Hobbs</u>, column 1, lines 14-17).

6. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

   <u>Wheeler et al</u>. (U.S. pub. 2002/0055932) in view of <u>Perkins, III</u> (U.S. patent

   6,396,913).

As to claim 24, <u>Wheeler et al</u>. does not teach wherein the first portion of

the base database comprises an application table having information relating to

usage of application programs.

<u>Perkins, III</u> teaches system and method for processing call detail records

(see abstract), in which he teaches wherein the first portion of the base database

comprises an application table having information relating to usage of application

programs (see column 3, lines 4-10).

Therefore, it would have been obvious to a person having ordinary

skill in the art at the time the invention was made to have modified Wheeler et al.,

to include wherein the first portion of the base database comprises an application

table having information relating to usage of application programs.

It would have been obvious to a person having ordinary skill in the

art at the time the invention was made to have modified Wheeler et al.

by the teaching of Perkins, III, because wherein the first portion of the base

database comprises an application table having information relating to usage of

application programs, would enable the apparatus to know which records apply

to them and it is updated to indicate that a new file is ready for processing (see

Perkins, III, column 3, lines 7-10).

As to claim 25, Wheeler et al. as modified teaches wherein the

summarized data comprises statistical information relating to the usage of

application programs (see Perkins, III, column 3, lines 4-10).

As to claim 26, Wheeler et al. as modified teaches wherein the application

table, for each user executing an application program on the first computer,

includes a respective record containing summarized data indicative of such

application program usage (see Perkins, III, column 3, lines 4-10).

Allowable Subject Matter

7. Claims 2-3, 5-7, 11-18, 27, and 29 are allowed.

8. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 5-August-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are not persuasive:

In response to applicants' arguments that "Wheeler et al. fail to teach a distributed network", the arguments have been fully considered but are not deemed persuasive, because Wheeler et al. teaches "Modern information resources, including data found on global information networks, form large databases that need to be searched to extract useful information. With the wealth of information available today, and the value that companies place on it, it has become essential to manage that information effectively using advances in database technology and database integration", (see Wheeler et al., paragraph 3).

"Business-to-Consumer (B2C) and Peer-to-Peer relationships using a global communications network such as the Internet, traditional data sharing of

large and multiple data sources have become even more problematic", (see

Wheeler et al., paragraph 4).

"The computer readable media may be, for instance a fixed (hard)

drive, disk, diskette, optical disk, magnetic tape, semiconductor memory such

as read-only memory (ROM), or any transmitting/receiving medium such as the

Internet or other communication network or link. The article of manufacture

containing the computer programming code may be made and/or used by

executing the code directly from one medium, by copying the code from one

medium to another medium, or by transmitting the code over a network", (see

Wheeler et al., paragraph 95).

In response to applicants' arguments that "Wheeler et al. fail to teach

accessing the selected databases to retrieve the original data…" the arguments

have been fully considered but are not deemed persuasive, because Wheeler et

al. teaches "A client application may formulate various types of heterogeneous

database queries usually by extracting a plurality of information objects from one

database and searching each information object against a plurality of target

databases", (see Wheeler et al., paragraph 37).

"Result sets can be forwarded to the Data Management Component 125

for data retrieval from a plurality of data sources 130, 135. Depending on the

query request, data extraction levels may include, but are not limited to full data

entity extraction, summary data entity extraction, or partial data entity extraction",

(see wheeler et al., paragraph 39).

Conclusion

10. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Belix M. Ortiz whose telephone number is

(571)-272-4081. The examiner can normally be reached on moday-friday 9am-

5pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Dov Popovici can be reached on (571)- 272-4083. The

fax phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

bmo

December 21, 2004.

SAM RIMELL
PRIMARY EXAMINER